

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**LAFAYETTE DIVISION**

**CHRISTY SOILEAU, ET AL**

**CASE NO. 6:17-CV-00526**

**VERSUS**

**JUDGE DOHERTY**

**U S DEPT OF HEALTH & HUMAN  
SERVICES**

**MAGISTRATE JUDGE WHITEHURST**

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**MEMORANDUM IN SUPPORT OF PLAINTIFF'S, CHRISTY SOILEAU,**  
**MOTION TO LIFT STAY**

MAY IT PLEASE THE COURT:

Plaintiff, CHRISTY SOILEAU, Individually and on behalf of her minor child, Kristopher Ashton Stewart Soileau, has asked the Court to lift the stay on these proceedings for the reason that the Medical Review Panel against the hospital, Women's & Children's Hospital, has reached a conclusion, and this case can now go forward appropriately.

The Medical Review Panel complaint was timely filed with the Louisiana Division of Administration on or about June 10, 2015.

Kristopher Ashton Stewart Soileau was born on March 5, 2013, and was thereafter treated by Dr. Suzanne Foster of S.W. LA Center for Health Services. The S.W. LA Center for Health Services is a creation of and is run under the auspices of the UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Kristopher Ashton Stewart Soileau has Malignant Infantile Osteopetrosis (MIOP) which failed to be diagnosed and treated in a timely manner by Dr. Susan Foster, an employee of S.W. LA Center for Health Services.

Kristopher's Malignant Infantile Osteopetrosis (MIOP) is a life threatening illness

requiring bone marrow transplants. Defendant, UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, through S. W. LA Center for Health Services, failed to follow up on the diagnosis by Dr. Billeaud, Radiologist.

Suit was filed against Dr. Susan Foster, an employee of S. W. LA Center for Health Services, which entity is a creation of and is run under UNITED STATES OF AMERICA, DEPARTMENT OF HEALTH AND HUMAN SERVICES, in State Court, and was thereafter removed to Federal Court. A Medical Review Panel Complaint was filed against Women's & Children's Hospital with the Division of Administration/Patient's Compensation Fund. The Medical Review Panel proceeding has now been completed and has reached a conclusion.

### **Conclusion**

This Court has the authority to lift the stay in the present proceedings, and plaintiff prays that an Order be issued lifting the stay so that this matter can now go forward appropriately.

Respectfully Submitted:

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE**

**I HEREBY CERTIFY** that a copy of the foregoing **PLAINTIFF’S, CHRISTY SOILEAU, MEMORANDUM IN SUPPORT OF MOTION TO LIFT STAY** was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to Jennifer B. Frederick, counsel for defendant, by operation of the court’s electronic filing system. I also certify that according to the Court’s Mailing Information, there are no manual recipients of record.

**SIGNED** at Lafayette, Louisiana, this 10<sup>th</sup> day of April, 2019.

*/s/ Sera Russell*

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**SERA H. RUSSELL, III**